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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-358-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 PATRICIA MARIE LACEY,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on May 22, 2007. The United States was represented by AUSA Lisca Borichewski and the
16 defendant by Carol Koller. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 9, 1994 by the Honorable William L.
18 Dwyer on a charge of Conspiracy to Distribute Cocaine, and sentenced to 135 months custody,
19 5 years supervised release.

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing any firearms, submit to search, participate in drug
22 treatment, abstain from alcohol, and provide access to financial information. (Dkt.3, page 10.)

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01 Supervision was transferred to the Eastern District of California on December 18, 2003.
02 (Dkt. 3, page 3. *See also* CR93-605 WD.) It was transferred back to this District on August 10,
03 2004. (Dkt. 1.)

04 On March 7, 2005, defendant's probation officer reported that defendant tested positive
05 for cocaine. Defendant was reprimanded, placed in a structured testing program, referred for
06 professional assessment, counseling and intensive outpatient treatment, and no further action was
07 taken at the time. (Dkt. 4.)

08 On August 5, 2005, defendant admitted to violating the conditions of supervision by using
09 cocaine and failing to participate in substance abuse counseling. (Dkt. 9.) Defendant was
10 remanded to custody for sixty-three days, with credit for time served. Supervised release of 48
11 months was imposed on the original conditions, plus the requirement that defendant participate
12 in a mental health program. (Dkt. 12.)

13 On February 3, 2006, defendant admitted to violating the conditions of supervision by
14 using cocaine, failing to report for drug testing, and failing to participate in substance abuse
15 treatment. (Dkt. 19.) Defendant was remanded to custody for sixty-three days, with credit for time
16 served. The same conditions of supervised release were re-imposed. Defendant was required to
17 complete the 60 day in-patient treatment program at Pioneer Center North. (Dkt. 22.)

18 On December 20, 2006, defendant's probation officer reported that defendant had used
19 cocaine and alcohol in violation of the conditions of supervised release. Defendant was
20 reprimanded, the frequency of testing was increased, and defendant was referred for professional
21 assessment, counseling and intensive outpatient treatment. (Dkt. 23.) No further action was taken
22 at the time.

01 In an application dated April 27, 2007 (Dkt. 24), U.S. Probation Officer Michael R.
02 Markham alleged the following violations of the conditions of supervised release:

- 03 1. Using cocaine on or about November 22, 2006, in violation of standard condition
04 #7.
- 05 2. Using cocaine on or about April 18, 2007, in violation of standard condition #7.
- 06 3. Using cocaine on or about April 20, 2007, in violation of standard condition #7.

07 Defendant was advised in full as to those charges and as to her constitutional rights.

08 Defendant admitted the alleged violations and waived any evidentiary hearing as to
09 whether they occurred. (Dkt. 28.)

10 I therefore recommend the Court find defendant violated her supervised release as alleged,
11 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
12 set before Judge Pechman.

13 Pending a final determination by the Court, defendant has been released on the conditions
14 of supervised release.

15 DATED this 22nd day of May, 2007.

16 
17 Mary Alice Theiler
18 United States Magistrate Judge

19 cc: District Judge: Honorable Marsha J. Pechman
AUSA: Lisca Borichewski
20 Defendant's attorney: Carol Koller
Probation officer: Michael R. Markham